

REMARKS

The Rejections Under 35 USC § 102

All the claims were rejected as allegedly anticipated by EP '681, despite the reference not even mentioning features of numerous dependent claims at least.

Claim 1 has been amended by the removal of iron oxide flakes as a possible substrate.

EP '681 teaches only iron oxide type particles where directly thereon can be an aluminum compound layer.

Various other particles are also taught, e.g., at the bottom of page 2 and in the examples, e.g., mica. However, these particles are taught to be coated with iron oxide before any further coating of an aluminum compound layer (see, e.g., the bottom of page 2 and all the examples). Thus, no material having a hardness ≥ 7 on the Mohs hardness scale is taught to be present directly on a substrate such as mica since iron oxide has a Mohs hardness which is less than 7, e.g., 5.5 to 6.5.

Moreover, there is not even a suggestion in EP '681 toward the claimed invention of the present application. EP '681 teaches red pigments based on iron oxide, i.e., there is always iron oxide either as the particles themselves or a coating of iron oxide directly on the particles. Additionally, thereon is a layer of an aluminum compound. Both these layers are essential to meet the objectives of EP '681, i.e., to influence or control the color tone from orange to the blue red.

Moreover, EP '681 is completely silent on the Mohs hardness of the layers and/or of any benefit attributed thereto.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Csaba Henter/

Csaba Henter, Reg. No. 50,908
Attorney for Applicants

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1
2200 Clarendon Boulevard, Suite 1400
Arlington, VA 22201
Direct Dial: 703-812-5331
Facsimile: 703-243-6410
Attorney Docket No.:MERCK-3163

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